

## SEATTLE POLICE DEPARTMENT MEMORANDUM

**TO:** Chain of Command  
Unit A810X

**DATE:** April 5, 2019

**FROM:** Mike Fields  
Human Resources Director

**SUBJECT:** Final Discipline-Franklin Poblocki-OPA 18-0735

Attached are the Cover Letter and Final DAR for Officer Poblocki. The Cover Letter and Final DAR need to be given to Officer Poblocki via his chain of command. Electronic copies have been or will be provided to all recipients copied on the cover letter.

**Please have Officer Poblocki sign in the appropriate place below.**

My signature below indicates that I have received the Cover Letter and Final DAR in OPA 18-0735.

\_\_\_\_\_  
Franklin Poblocki, #6613

\_\_\_\_\_  
Date

**After providing Officer Poblocki with the documents, please complete the information below as appropriate.**

Served by: \_\_\_\_\_ Date: \_\_\_\_\_  
Rank/Printed Name

Date(s) Employee will serve suspension: \_\_\_\_\_.

If not served within three days of issuance, provide explanation:

**A copy of the suspension orders will be sent to the employee upon approval of the proposed day(s) by the HR Director. All discipline must be completed within two pay periods absent approval by an Assistant Chief or the Chief of Police. Vacation days may not be used in lieu of suspension without written permission from the Director of Human Resources; requests should be directed to the Human Resources Director, with a copy to the SPD Employment Counsel.**

Signature: \_\_\_\_\_

**On the day of service, scan the completed, signed receipt and send it to  
SPD\_EmploymentCounsel@seattle.gov  
Original receipt should be returned within 7 days to SPD Legal Unit (JC-05-01)**



# City of Seattle

Seattle Police Department

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April 5, 2019

Franklin Poblocki, #6613  
(Hand-delivered)

RE: OPA 18-0735

Dear Officer Poblocki:

I want to thank you and your representatives for meeting with the Chief of Police on February 20, 2019 to discuss the recommended disciplinary actions arising from the investigation of OPA 18-0735. Based upon the information presented at the meeting, and a review of relevant materials, the Chief has sustained the following allegation:

**Violation of Seattle Police Manual, Section:**

- **5.001 - Standards and Duties 11. Employees Shall Be Truthful and Complete in All Communication**

A description of the sustained allegation of misconduct and the final disciplinary action are set forth in the enclosed Disciplinary Action Report.

If you have any questions regarding this notice, please feel free to contact me.

Sincerely,

Carmen Best  
Chief of Police

Mike Fields  
Executive Director of Human Resources

Enclosure

Cc: Carmen Best, Chief of Police  
Marc Garth Green, Deputy Chief  
Eric Greening, Assistant Chief  
Tom Mahaffey, Captain, Captain  
James Danielson, Lieutenant  
Andrew Myerberg, Director of OPA  
Kevin Stuckey, SPOG President

**Seattle Police Department  
DISCIPLINARY ACTION REPORT**

FILE NUMBER  
**OPA 18-0735**

RANK/TITLE  
**Officer**

NAME  
**Franklin Poblocki**

SERIAL NUMBER  
**6613**

UNIT  
**A810X**

SUSTAINED ALLEGATION:

**Violation of Seattle Police Department Policy & Procedure Manual Section:**

- **5.001 - Standards and Duties 11. Employees Shall Be Truthful and Complete in All Communication**

**Specification:**

This case focuses on the statement that you provided to OPA during its investigation in 2018OPA-0144. That investigation focused on your behavior at an AutoZone parking lot, where you sat in an office chair in front of the business for nearly forty minutes. You went to the lot a few hours after you had a negative interaction with a man whom you knew often worked on cars in the AutoZone parking lot. You had arranged for a car to be towed that was used by the man, and he expressed anger and frustration with you. You said to him, "you're a big man, huh, talking some smack." As you were driving away, you told him, "I'll see you guys, goodnight." You further added to the man, "I'll see you for sure." A few hours later, you went to the parking lot where the man worked, took a rolling chair from the back of your patrol car, placed the chair in front of the AutoZone, and sat down.

A community member complained about your actions to OPA, alleging that you were harassing a man near the AutoZone, waiting for him to apologize for a previous incident. The complaint questioned whether it was appropriate for a police officer to station himself outside a business to wait for a private citizen in order to receive an apology. That complaint initiated 2018OPA-0144. You were informed of the basis of the complaint in a Notice of Receipt of a Complaint, in which you were informed that the complaint alleged that you "waited outside of a business for a community member to apologize to" you. As such, you were aware that the purpose of OPA's investigation was to determine your purpose in going to the business.

As part of its investigation of 2018OPA-0144, OPA interviewed you on June 18, 2018. At the outset of your interview, the investigator ordered you to answer all questions truthfully and completely. You expressed understanding that order. The OPA investigator asked you twice why you went to the parking lot. You responded both times by referencing that you "spend a lot of" your time at the plaza to keep your eyes on a historically high-crime location. You claimed that you go there to "try to interact with people in the plaza," be "seen," and to let people know that there is a "police presence" in the area. When asked about bringing a chair, you told OPA that you did so in order to be "visible...comfortable and approachable." You told OPA that you had "no intention of initiating contact" with the man whom you had contacted earlier in your shift, that you were not there "looking for him specifically," and that you were not there in order to obtain an apology. Your statements to OPA communicated that your purpose in being at the parking lot outside AutoZone was to engage with members of the community and not to obtain an apology from the man. Your statements were not accurate, complete, or honest.

The statements that you made while at the parking lot, along with MDT messages you exchanged with other officers, make clear that your purpose in being outside the AutoZone was not simply to patrol a high-crime area. You went to the location in response to your prior interaction with the man. You had told him that you would

see him "for sure" just a few hours before coming to the parking lot. While sitting in the parking lot, your body-worn video captured you stating that you had been "disrespected" and that you were going to "hang around here until I get an apology." You told another officer that you were "going to have another unit roll through here, saying 'just doing community policing.'" Shortly thereafter, two other officers who were on your squad arrived in the AutoZone parking lot. You repeated to them that you were "disrespected" and "deserve an apology."

Your interview statement to OPA is also undermined by the MDT messages that you sent to officers on the day you went to the parking lot. You messaged two officers who worked on your squad that you planned to "make an appearance at 23/jack when that crew is down there cuz this guy was talking some smack and I will not be dissuaded [sic]." The AutoZone parking lot is located at 23<sup>rd</sup> Avenue South and South Jackson Street. You also wrote to officers: "just need somebody nearby cause I aint gonna make it look like we are deterred by a lil smack talkin [sic]."

#### Employee Statement and Investigation Follow-up:

During your OPA interview in this case (2018OPA-0735), you reiterated the assertions that you made to OPA in the initial investigation, stating that you went to the AutoZone plaza to engage in community policing. You claimed that, even had you not interacted with the man earlier that day, the probability that you still would have gone to the business was "in the high nineties percentage." You also suggested that you regularly went to that location in order to engage the business owners and be present.

OPA followed up on your contention that you frequently went to that location and would have done so even had you not interacted with the man earlier in the day. To evaluate this assertion, OPA reviewed your law enforcement activities at this location and determined that, prior to February 9, 2018 (the day before the incident), you had never logged to a premise there. Likewise, you did not log to any premise checks at that location in either of the two months following the incident. You did go there twice in May 2018, and six times in June 2018, after you submitted a memo to your then Lieutenant suggesting emphasis patrols in the area. You activated BWV for only one of those premise checks. The BWV captured you driving around the parking lot and lasted for just over seven minutes.

#### Policy at Issue:

Department Policy 5.001 (11) requires that employees are truthful and complete in all communication. Dishonesty is further defined in the collective bargaining agreement between the City and Seattle Police Officers' Guild: "Dishonesty is defined as intentionally providing false information, which the officer knows to be false, or intentionally providing incomplete responses to specific questions, regarding facts that are material to the investigation."

#### Determination of the Chief:

You made materially false statements during your OPA interview. When OPA attempted to investigate whether your actions in going to the AutoZone were permissive, you attempted to misrepresent your actions to investigators. You claimed that you were engaged in community policing and trying to show a "police presence" at a high-crime area. OPA repeatedly asked you about your purpose in being at the AutoZone and you repeatedly responded by pointing to your efforts to do "preventative maintenance," interact with "people in the

plaza,” and be “approachable,” claiming that you were “not looking for him specifically.” These statements were dishonest.

In reaching the appropriate level of discipline, I considered the fact that 2018OPA-0144 resulted in a lengthy suspension as well as revocation of your probationary promotion to sergeant. I also considered your prior disciplinary history and the seriousness of the misconduct. OPA serves a central role in police accountability and it relies on officers responding honestly and fully to its inquiries. Ultimately, in light of all the specific factors in this case, I have determined that a thirty-day suspension is the appropriate outcome. I note that this is the longest suspension that I am permitted to impose under the Seattle Municipal Code, and I believe that your actions warrant that outcome. Should you engage in similar behavior in the future, it will likely result in the termination of your employment.

Final Discipline

**Thirty (30) Day Suspension**

DATE

4-4-2019

BY ORDER OF

*Carman Best*  
CHIEF OF POLICE

#### APPEAL OF FINAL DISPOSITION

##### Appeals to a Commission:

**SWORN EMPLOYEES :** Public Safety Civil Service Commission

Employee must file written demand within ten (10) calendar days of a suspension, demotion or discharge for a hearing to determine whether the decision to suspend, demote or discharge was made in good faith for cause. SMC 4.08.100

**CIVILIAN EMPLOYEES:** Civil Service Commission

Before filing an appeal with the Civil Service Commission regarding suspension, demotion, or termination an employee must first go through the Employee Grievance Procedure provided by Personnel Rule 1.4. In order to comply with Rule 1.4, the employee must file the grievance within 20 calendar days of receiving the notice of the appointing authority's decision to impose discipline. After exhausting the Employee Grievance Procedure, if the employee is still dissatisfied, the employee must file his/her appeal with the Civil Service Commission within 20 calendar days of the delivery of the Step Three grievance response. See also SMC 4.04.240, 4.04.260, and Personnel Rules 1.4.

**PROBATIONARY EMPLOYEES:** Pursuant to SMC 4.04.030 and 4.04.290, employees who have been appointed to a position within the classified service but who has not completed a one (1) year period of probationary employment are “probationary employees” and are subject to dismissal without just cause. An employee dismissed during their probationary period shall not have the right to appeal the dismissal. SMC 4.04.290(c) and City of Seattle Personnel Rule 1.3.2E.

##### Alternative Appeal Options for Represented Employees:

**SPOG Members:** For employees represented by SPOG, the Disciplinary Review Board (DRB) may be an alternative appeal process for suspensions, demotions, terminations, or transfers, identified by the City as disciplinary in nature. Consult your collective bargaining agreement or SPOG representative to determine eligibility, notice periods, and details of the process. The DRB is available as an alternative only, and not in addition to an appeal to the Public Safety Civil Service Commission.

**SPMA Members:** For employees represented by SPMA, the grievance process may be an alternative appeal process for suspensions, demotions, or terminations. Consult your collective bargaining agreement or SPMA representative to

determine eligibility, notice periods, and details of the process. The grievance process is available as an alternative only, and not in addition to an appeal to the Public Safety Civil Service Commission.

Represented Civilian Employees: Grievance and arbitration may be an alternative appeal process. Consult the applicable contract or a union representative to determine availability, notice periods, and details of process. Binding arbitration is available as an alternative only and not in addition to an appeal to the Civil Service Commission. SMC 4.04.260C